

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
:  
NEVILLE MCFARLANE et al., *individually and on behalf* :  
*of all others similarly situated,* :

Plaintiffs, :

-v- :

ALTICE USA, INC., :

Defendant. :  
----- X

20-CV-1297 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On June 15, 2020, Defendant filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. ECF No. 38. The same day, Defendant also filed a motion to compel arbitration as to certain Plaintiffs. ECF No. 35. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. In addition, the Court previously approved a modified briefing schedule for Defendant's motion to dismiss. ECF No. 29, ¶¶ 7-9.

Accordingly, it is hereby ORDERED that Plaintiffs shall file any amended complaint by **July 27, 2020**. Plaintiffs will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiffs do amend, by three (3) weeks after the amended complaint is filed, Defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Defendant files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendant files a new motion to dismiss, Plaintiffs shall file a combined opposition, not to exceed thirty-five (35) pages, addressing both the new motion to dismiss and the motion to compel within fourteen days, and Defendant shall file a combined reply, not to exceed fifteen (15) pages, within seven days of any opposition.

If no amended complaint is filed, Plaintiffs shall file a combined opposition, not to exceed thirty-five (35) pages, addressing both motions by **July 27, 2020**. Defendant's combined reply in support of both motions, not to exceed fifteen (15) pages, shall be filed by **August 10, 2020**.

Finally, the initial conference previously scheduled for June 25, 2020, is adjourned *sine die*.

SO ORDERED.

Dated: June 16, 2020  
New York, New York

  
JESSE M. FURMAN  
United States District Judge